

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
IVAN CHAVEZ,

Plaintiff,

-against-

20 **CIVIL** 342 (KMK)

**JUDGMENT**

ERIC GUTWEIN, et al.,

Defendants.  
-----X

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated May 11, 2022, Plaintiff's claims are dismissed. Because this is the second adjudication of Plaintiff's claims on the merits, the SAC is dismissed with prejudice. See *Denny v. Barber*, 576 F.2d 465, 471 (2d Cir. 1978) (holding that the plaintiff was not entitled to "a third go-around"); *Melvin v. County of Westchester*, No. 14-CV-2995, 2016 WL 1254394, at \*24 n.19 (S.D.N.Y. Mar. 29, 2016) (granting motion to dismiss with prejudice where "[the] [p]laintiff has already had two bites at the apple, and they have proven fruitless" (alteration and quotation marks omitted)); accordingly, the case is closed.

**Dated:** New York, New York

May 11, 2022

**RUBY J. KRAJICK**

\_\_\_\_\_  
Clerk of Court

BY:

*Kmango*  
\_\_\_\_\_  
Deputy Clerk